

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled REGULATION OF BIOFILM FORMATION, the specification of which

- ☐ is attached hereto.  
☒ was filed on October 17, 2000 as Application Serial No. 09/673,605  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**FOREIGN PRIORITY RIGHTS:** I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Serial Number	Filing Date	Priority Claimed?
PCT	PCT/US99/09034	27 April 1999	Yes

**PROVISIONAL PRIORITY RIGHTS:** I hereby claim priority benefits under Title 35, United States Code, §119(e) and §120 of any United States provisional patent application(s) listed below filed by an inventor or inventors on the same subject matter as the present application and having a filing date before that of the application(s) of which priority is claimed:

Serial Number	Filing Date	Status
60/083,259	27 April 1998	Abandoned
60/102,870	02 October 1998	Abandoned

**NON-PROVISIONAL PRIORITY RIGHTS:** I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information

# COMBINED DECLARATION AND POWER OF ATTORNEY

I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Paul T. Clark, Reg. No. 30,162, Karen L. Elbing, Ph.D. Reg. No. 35,238, Kristina Bieker-Brady, Ph.D. Reg. No. 39,109, Susan M. Michaud, Ph.D. Reg. No. 42,885, James D. DeCamp, Ph.D., Reg. No. 43,580, Sean J. Edman, Reg. No. 42,506, Timothy J. Douros, Reg. No. 41,716.

Address all telephone calls to: Kristina Bieker-Brady, Ph.D. at 617/428-0200.

Address all correspondence to: Kristina Bieker-Brady, Ph.D. at Clark & Elbing LLP, 176 Federal Street, Boston, MA 02110.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
<u>George A. O'Toole</u>	<u>Hanover, NH</u> NH	5 Fletcher Circle Hanover, NH 03755	United States
Signature: <u>George O'Toole</u>			Date: <u>12/11/01</u>

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
<u>Roberto Kolter</u>	<u>Chestnut Hill, MA</u> MA	741 Heath Street #3 Chestnut Hill, MA 02467	United States
Signature: <u>RLK16</u>			Date: <u>12/5/01</u>

# COMBINED DECLARATION AND POWER OF ATTORNEY

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Leslie A. Pratt	Belmont, MA MA	85 Elm Street Belmont, MA 02478	United States
Signature: <i>Leslie Pratt</i>			Date: 12/21/01

ATTORNEY DOCKET NO. 00246/505003

Applicant or Patente : George A. O'Toole et al.  
 Serial or Patent No. :  
 Filed or Issued : October 17, 2000  
 Title : REGULATION OF BIOFILM FORMATION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: President and Fellows of Harvard College  
 Address of Organization: 17 Quincy Street, Cambridge, MA 02138  
 Type of Organization:

- ☒ University or Other Institution of Higher Education  
☐ Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit Scientific or Educational under Statute of State of the United States of America  
 Name of State:  
 Citation of Statute:  
☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) If Located in the United States of America  
☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of the United States of America If Located in the United States of America  
 Name of State:  
 Citation of Statute:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled REGULATION OF BIOFILM FORMATION by inventors George A. O'Toole and Roberto Kolter described in

- ☒ the specification filed herewith.  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. [\*\*PATENT NUMBER\*\*], issued [\*\*ISSUE DATE\*\*].

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Microbia Inc.  
 Address: One Kendall Square, Building 1400W, Suite 1418, Cambridge, MA 02139  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Jeffrey Labovitz, Ph.D.

Title: Director, Office for Technology Licensing

Address: Harvard Medical School, Office of Technology Licensing & Industry Sponsored Research, 25 Shattuck Street, Building A, Room 414, Boston, MA 02115

Signature: 

Date: 10/13/2000

00246.505003 Small Entity Statement.wpd

ATTORNEY DOCKET NO. 00246/505003

Applicant or Patentee : George O'Toole et al.  
Serial or Patent No. :  
Filed or Issued : October 17, 2000  
Title : REGULATION OF BIOFILM FORMATION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Microbia Inc.

Address of Small Business Concern: One Kendall Square, Building 1400W, Suite 1418, Cambridge, MA 02139

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled REGULATION OF BIOFILM FORMATION by inventors George O'Toole and Roberto Kolter described in

- ☒ the specification filed herewith.  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. ["PATENT NUMBER"], issued ["ISSUE DATE"].

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(e) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Assignee Name: President and Fellows of Harvard College  
Assignee Address: 17 Quincy Street, Cambridge, MA 02138

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Name: Peter Hecht, Ph.D.

Title: President and CEO

Address: Microbia, Inc., One Kendall Square, Building 1400W, Suite 1418, Cambridge, MA 02139

Signature: \_\_\_\_\_

Date: 10/16/00

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

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Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
George A. O'Toole	Boston, MA	14 Palace Road #2 Boston, MA 02115	United States
Signature:			Date:

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Roberto Kolter	Chestnut Hill, MA	741 Heath Street #3 Chestnut Hill, MA 02167	United States
Signature:			Date: